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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY EDWARD HALLUM,) Case No.: 1:21-cv-00602-EPG
Plaintiff,)
vs.) ORDER RE: STIPULATION FOR AN
KILOLO KIJAKAZI,) EXTENSION OF TIME
Acting Commissioner of Social Security,) (ECF No. 13).
Defendant.)

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's opening brief be extended sixty (60) days from September 6, 2022 up to and including November 7, 2022. This is the Defendant's first request for an extension; this case was previously stayed and Plaintiff's deadline extended pursuant to the Court's order upon stipulation of the parties.

There is good cause for this extension. Defendant apologizes to Plaintiff and the Court for initially mis-calendaring the deadline under the Scheduling Order, causing this request for an extension to be filed one day after the brief deadline (Doc. 3). Defendant has been diligently working this case, as it was initially part of a pre-answer project to review over 200 of the Commissioner's stayed cases for policy compliance, so that the Commissioner could identify cases for early settlement. Plaintiff filed his opening brief on August 5, 2022, after a stipulated

1 extension of 60 days (Doc. 11, 12). Thereafter, the undersigned was assigned this matter for
2 briefing.

3 A shorter time period would not suffice to prepare the Commissioner's response to
4 Plaintiff's opening brief. The undersigned counsel for Defendant has been issued military orders
5 to travel to Washington, D.C. from September 11, 2022 to September 15, 2022. Due to ongoing
6 high workloads following the Commissioner's filing numerous administrative records between
7 April and June 2022, the undersigned foresaw this schedule conflict in early August and
8 requested that her supervisor re-assign cases with briefs due in September. However, to date,
9 none of the undersigned's cases have been transferred due to the sustained high workloads in the
10 office.

11 The undersigned has been diligently trying to meet deadlines in her assigned cases.
12 Counsel has filed seven merits briefs or stipulated voluntary remands in the 30-day period for
13 Defendant's responsive brief in this case. In addition, the undersigned has worked part or all of
14 three weekends meeting assigned deadlines in her other job as a reservist, as well as additional
15 hours at the Office of the General Counsel.

16 The undersigned projects that she has 11 merits briefs due in October 2022 and 9 due in
17 November 2022. This is more than twice a typical workload for litigation matters, considering
18 counsel's non-litigation assignments. This workload is incompatible with giving each case due
19 attention for briefing, and time to consult with agency personnel regarding settlement. In
20 addition, several attorneys from the Office of the General Counsel have departed or are on
21 extended leave, causing re-assignment of their workloads to remaining staff. As a result, the
22 undersigned has received 21 new cases in various stages of litigation in recent weeks.

23 The Commissioner recognizes that this is an unusual request and apologizes to Plaintiff
24 and the Court for the delay in this case. No unnecessary delay is intended.

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1 Respectfully submitted,

2 Dated: September 7, 2022

3 /s/ Jonathan O. Peña*
4 JONATHAN O. PEÑA
5 Attorney for Plaintiff
6 (*signature authorized via e-mail Sep. 7, 2022)

7 Dated: September 7, 2022

8 PHILLIP A. TALBERT
9 United States Attorney
10 PETER K. THOMPSON
11 Acting Regional Chief Counsel, Region IX
12 Social Security Administration

13 By: /s/ Ellinor R. Coder
14 ELLINOR R. CODER
15 Special Assistant U.S. Attorney
16 Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation (ECF No. 13), IT IS SO ORDERED that Defendant shall have an extension, up to and including November 7, 2022, to file a response to Plaintiff's opening brief.

IT IS SO ORDERED.

Dated: **September 7, 2022**

/S/ Eric P. Goss

UNITED STATES MAGISTRATE JUDGE